

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the United Kingdom on 4/8/2004. It is noted, however, that applicant has not filed a certified copy of the 0408054.5 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13-16, 18 and 20-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Dropsy-Carton (FR 2179600 A1) in view of Bienaime (US 5495943 A).

Regarding claims 13-15, 20 and 22, Dropsy-Carton teaches a container and the blank for making comprising a tray and a cover, wherein said tray comprises panels for providing a bottom wall (2) and a pair of opposed end walls (3) of said container, said bottom wall and said end walls together forming a first U-shaped structure, wherein said cover comprises panels for providing a top wall and a pair of opposed side walls (14) of said container, said top wall and said side walls together forming a second U-shaped structure complementary to said first U-shaped structure (see Fig. 4), and wherein said top wall is positioned at an elevation lower than an upper edge of at least one of said

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end walls and said side walls, said first and second U-shaped structures together providing a substantially fully enclosed container. Dropsy-Carton teaches everything except the sidewalls of the cover blank extending “downwardly”.

Bienaime teaches a container comprising two blanks forming complimentary U-shaped structures (see Fig. 5) wherein the cover member comprises a pair of downwardly extending opposed sidewalls (230 and 240). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to fold Dropsy-Carton's cover side flaps (14) downward as opposed to upward in order to protect the body of bottles contained within the container (Bienaime; Col 1 lines 10-25). Examiner notes that panels 14 of Dropsy-Carton's container are capable of folding downward, independent of the cover blank end walls, which need to fold upward in order to form the handle openings.

Regarding claims 16 and 21, Dropsy-Carton, as modified above, teaches a container wherein said first U-shaped structure comprises side flaps (Dropsy-Carton; 7 and 8), and wherein said side flaps provide support to said side walls of said second U-shaped structure and surfaces to which said side walls of said second U-shaped structure can be secured.

Regarding claim 18, Dropsy-Carton, as modified above, teaches a container further comprising at least one reinforced handle aperture struck from one of the end walls (Dropsy-Carton; 4).

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4. Claims 17, 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dropsy-Carton in view of Bienaime as applied to claims 13 and 20 above, and further in view of Barnby (US 2899051 A).

Regarding claims 17, 19 and 23, Dropsy-Carton, as modified above, teaches everything except a frangible connection extending between the top apertures. Barnby teaches a carrier for bottles comprising top apertures (33) with frangible lines (slits; 34) extending between. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to further modify Dropsy-Carton's container to include frangible connections (i.e. slits) between the top apertures in order to snugly fit the bottle necks contained within (Barnby; Col 2 lines 50-55).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fulmer et al. (US 2654469 A) and Gordon (US 3624776 A). These references teach partitioned containers similar to that of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER DEMEREE whose telephone number is (571)270-1982. The examiner can normally be reached on Mon-Fri, 8:00 AM-5:00PM, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Christopher Demeree/
Examiner, Art Unit 3782

/Justin M Larson/
Examiner, Art Unit 3782
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